

APR 10 2009

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/731,790-Conf. #4910 First Named Applicant: Michael Kilian
Examiner: J. D. Wong Art Unit: 2166 Status of Application: Published

Tentative Participants:

(1) Examiner Wong (2) Scott J. Gerwin
(3) _____ (4) _____Proposed Date of Interview: See Attached Sheet Proposed Time: See Attached Sheet (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Objection</u>	<u>Figs. 2 & 3</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Objections Under 37 CFR 1.75</u>	<u>Claims 65, 70 & 75</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rejection Under 35 USC 112 First Paragraph</u>	<u>Claims 65, 70 & 75</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>Rejection Under 35 USC 103(a)</u>	<u>Claim 65</u>	<u>Stuart & MacPhail</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See Attached Sheets

An interview was conducted on the above-identified application on _____

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP §713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Scott J. Gerwin
Applicant/Applicant's Representative Signature_____
Examiner/SPE SignatureScott J. Gerwin
Typed/Printed Name of Applicant or Representative57,866
Registration Number, if applicable

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PTO/SB/97 (01-99)

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Application No. (if known): 10/731,790

Attorney Docket No.: E0295.70190US00

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on April 10, 2009
Date

Scott J. Gerwin
Signature

Scott J. Gerwin

Typed or printed name of person signing Certificate

57,866
Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Interview Request (1 page)
Continuation Sheets (4 pages)

Continuation Sheets.

Applicant proposes the following times for the interview: (1) any time between 11:00 a.m. and 3 p.m. on Wednesday April 15; (2) any time between 9:00 a.m. and 6:00 p.m. on Thursday April 16; or (3) any time between 9:00 a.m. and 12:00 p.m. or between 1:00 p.m. and 6:00 p.m. on Friday April 17.

After receiving this agenda, Applicant would appreciate the Examiner contacting Applicant's representative, Scott J. Gerwin, at telephone number 617-646-8243 to finalize a time for the interview.

During the interview, Applicant would like to discuss each of the objections and rejections set forth in the Office Action, and each prior art reference relied on in rejecting any claim. In particular, Applicant would like to focus on the following issues:

I. Objection to the Drawings

The Office Action objects to the drawings under 37 C.F.R. 1.83, asserting that they do not show every feature of the invention specified in the claims. In particular, the Office Action asserts that the drawings do not show, "that the retention period is stored in the content unit" and asserts that "the request to delete comes from the unit of content."

Applicant would appreciate clarification from the Examiner with respect to each of these points. In particular, Applicant would like to bring the Examiner's attention to Figure 3, which shows a unit of content 301 that in which metadata 305 is stored. The portion of Applicant's specification describing Figure 3, at page 8, lines 18-30, states, "[i]n accordance with one embodiment of the invention, the metadata further includes information specifying a retention period related to the associated blob 303. The retention period may be, for example, specified as a period of time from the creation date of blob 303 and/or CDF 301 during which blob 303 and CDF 301 may not be deleted." Applicant would appreciate clarification as to whether Figure 3 and the above-quoted portion of Applicant's specification addresses the Examiner's concern as to whether the drawings show "that the retention period is stored in the content unit."

Applicant would also appreciate clarification as to what is meant by the statement in the Office Action that the drawings do not illustrate, "the limitation that the request to delete comes from the unit of content." There is no limitation in any claim that relates to a request to delete coming from a unit of content. Rather, the claims require that a request to delete a unit of content is sent from a host computer, not from a unit of content.

Figure 1 shows a system comprising a storage system 101 that may be accessed by hosts 105 through a network 103 (see Figure 1; page 5, lines 10-17). As explained at page 4, lines 16-20 of Applicant's specification, "the storage system may store data (write) in response to a request from the host computer to store the data, return stored data (read) in response to a request from the host computer for the stored data, and delete stored data in response to a request from the host computer to delete the data."

II. Claim Objections

The Office Action objects to claims 65, 70, and 75 under 37 C.F.R. 1.75 asserting that the specification does not describe a retention period being stored in a content unit. Applicant would like to bring the Examiner's attention to Figure 3, which shows a unit of content 301 that in which metadata 305 is stored. The portion of Applicant's specification describing Figure 3, at page 8, lines 18-30, states, "[i]n accordance with one embodiment of the invention, the metadata further includes information specifying a retention period related to the associated blob 303. The retention period may be, for example, specified as a period of time from the creation date of blob 303 and/or CDF 301 during which blob 303 and CDF 301 may not be deleted." Applicant would appreciate clarification as to whether Figure 3 and the above-quoted portion of Applicant's specification addresses the Examiner's concern with respect to this objection.

The Office Action objects to claims 65, 70, and 74 asserting that the specification does not describe a request to delete. Applicant would like to bring to page 4, lines 16-20 of Applicant's specification, which states, "the storage system may store data (write) in response to a request from the host computer to store the data, return stored data (read) in response to a request from the host computer for the stored data, and delete stored data in response to a request from the host computer to delete the data," as well as Figure 4 and the accompanying description at page 14, lines 11-31, which relate to a process for handling a request to delete a CDF from a storage system. Applicant would appreciate clarification as to whether Figure 3 and the above-quoted portion of Applicant's specification addresses the Examiner's concern with respect to this objection.

III. Rejections Under 35 U.S.C. 112

Applicant understands claims 65-78 to be rejected under 35 U.S.C. 112, first paragraph for the same reasons for which these claims are objected to under 37 C.F.R. 1.75. If this understanding is correct, then Applicant would like to address these rejections in the manner discussed above in connection with the objections under 37 C.F.R. 1.75. If this understanding is not correct, Applicant would appreciate clarification as to how the objection under 37 C.F.R. 1.75 differs from the rejection under 35 U.S.C. 112, first paragraph.

IV. Rejections Under 35 U.S.C. 103

Applicant would like clarification on several points relating to the rejection of claim 65 under 35 U.S.C. 103(a) as purportedly being obvious over Stuart (2005/0055519) and MacPhail (5,107,419).

A. Clarification on the Asserted Combination of Stuart and MacPhail

Applicant would like clarification on what modifications the Examiner believes one of skill in the art would have made to the system of Stuart based on the teachings of MacPhail, what the Examiner believes the system resulting from these modifications would look like, and why the Examiner believes one of skill in the art would have made these modifications.

The Office Action states that, "[a] skilled artisan would have been motivated to combine Stuart and MacPhail because it provides for logical analysis to select default criteria and to verify

information was entered directly by the end user as discussed in MacPhail." Applicant understands this to mean that the Examiner believes one skilled in the art would have developed a system that has some aspects of the system of Stuart and some aspects of the system of MacPhail, and that the Examiner believes that claim 65 would read on this new system. Clarification is respectfully requested as to what the Examiner believes this new system would like.

In particular, Applicant would greatly appreciate an explanation of what modifications the Examiner believes a person of skill in the art would have made to the system of Stuart based on the teachings of MacPhail. In this regard, Applicant understands the Office Action to contend that one of skill in the art would have modified Stuart, based on the teachings of MacPhail, such that a retention period for a file is stored in the file itself, rather than in metadata external to the file, and such that a request to delete a file identifies the file using a content address generated, at least in part, from at least a portion of the file that it identifies, and wherein the portion of the file that used in generating the content address includes the retention period.

That is, in the system of Stuart, files are stored in a file system. A request to delete a file appears to identify the file to be deleted by its file system pathname. The Office Action appears to assert that rather than providing the file system pathname in the request to delete a file, the system of Stuart would identify the file by providing a content address that is generated from a portion of the content of the file. Applicant would appreciate clarification as to how the Examiner believes the system of Stuart would locate the file to be deleted if the file system pathname is not provided and only a content address for the file is provided.

Additionally, Applicant would appreciate clarification as to why the Examiner believes one of skill in the art would have made these modifications to the system of Stuart, based on the teachings of MacPhail. As discussed above, Applicant understands the Office Action to contend that one of skill in the art would have modified Stuart, based on the teachings of MacPhail, such that a retention period for a file is stored in the file itself, rather than in metadata external to the file, and such that a request to delete a file identifies the file using a content address generated, at least in part, from at least a portion of the file that it identifies, and wherein the portion of the file that used in generating the content address includes the retention period. Further, Applicant understand the Office Action to contend that one of skill in the art would have made these modifications because doing so, "provides for logical analysis to select default criteria and to verify information was entered directly by the end user."

Clarification as to what the Examiner means by providing for "logical analysis to select default criteria" would be greatly appreciated. In addition, Applicant would appreciate the Examiner clarifying how making the above-discussed modifications would provide for logical analysis to select default criteria.

In addition, Applicant would appreciate clarification as to how the above-discussed proposed modifications to the system of Stuart would help verify that information was entered directly by an end user.

B. Clarification on Certain Limitations of Claim 65

The Office Action cites particular portions of Stuart and MacPhail as purportedly teaching certain limitations of claim 65. For some of these limitations, it is unclear to Applicant how the Examiner is interpreting the cited portions of the reference to disclose these limitations. The limitations of claim 65 for which Applicant would appreciate clarification on how the relied upon reference is being interpreted are discussed below.

Claim 65 recites that "a previously-defined retention period for the unit of content is stored in the unit of content." The Office Action contends that MacPhail discloses this limitation in claim 9 and Figure 5. Clarification as to how the Examiner is interpreting claim 9 and Figure 5 of MacPhail to disclose this limitation would be greatly appreciated. In particular, Applicant understands Figure 5 of MacPhail to disclose a screen that is presented to the user when a document is to be filed in the system (see col. 4, lines 41-43). This screen allows the user to input certain information about the document to be filed. This information is referred to in MacPhail as document descriptors (see col. 7, lines 5-15). Among the information that can be input via the screen in Figure 5 is a document expiration date that is used to indicate when the document can automatically be deleted (col. 4, lines 1-4) and an ownership expiration date. Claim 9 of MacPhail is consistent with Figure 5, as claim 9 is directed to a method to assign a set of required retention and deletion criteria which include, "a document expiration date and an ownership expiration date," to a large set of documents.

While Applicant does not disagree that the system of MacPhail discloses that a document expiration date may be specified for a document, Applicant does not understand MacPhail to say that the document expiration date is stored in the document itself. Applicant would appreciate clarification from the Examiner as to how he is interpreting MacPhail to disclose that the document expiration date for a document is stored in the document.

Claim 65 also recites that a request to delete a content unit, "identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period." The Office Action appears to assert that MacPhail discloses this limitation also in Claim 9 and Figure 5. Applicant does not see anything in claim 9 or in Figure 5 that discloses anything related to a content address for a document that is generated from at least a portion of the content of the document. Applicant would appreciate clarification from the Examiner as to how he is interpreting MacPhail to disclose this limitation.